

Application No. 10/738,396

Reply to Office Action

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## REMARKS

AUG 21 2006

*Introduction*

In this application, claims 1-20 are presently pending, of which claims 1, 9, 17, and 18 are independent. Applicant thanks the Examiner for his careful search and consideration. In the Office Action dated May 19, 2006, claims 1-4, 6-7, 9-12, 14-15, and 17-20 are rejected based on an assertion that they are anticipated by U.S. 6,636,489 to Fingerhut (hereinafter "Fingerhut"). Claims 5, 8, 13, and 16 stand rejected as obvious in view of Fingerhut further in view of U.S. 6,711,474 to Treyz (hereinafter "Treyz").

In view of these following remarks, Applicants respectfully request favorable reconsideration of the claims.

*Claim Amendments*

Claims 1, 5, 7-9, 13, 15-18, and 20 are amended herein for clarity. The amendments are not intended to change the prior scope of the claims and do not add new matter.

*The Pending Claim Rejections*

As noted above, claims 1-4, 6-7, 9-12, 14-15, and 17-20 are rejected as anticipated by Fingerhut. It will be appreciated that a rejection under §102 is proper only when the asserted reference teaches each and every limitation of the claim at issue. In this case, it is respectfully submitted that the cited reference Fingerhut does not teach every limitation of the noted claims.

Claim 1, which relates generally to a method for operating a telematics unit in a vehicle, is reproduced below for the reader's convenience:

1. A method for operating a telematics unit within a mobile vehicle having a radio module comprising a radio module user interface, the method comprising:

receiving radio station information at the radio module;

Application No. 10/738,396

Reply to Office Action

detecting an initiation command received from the radio module user interface; and

providing the radio station information from the radio module to the telematics unit responsive to the detected initiation command.

As can be seen, this claim pertains generally to the passage of radio station information between a radio module in a mobile vehicle and a telematics unit within the mobile vehicle based on the detection of an initiation command received from the radio module user interface.<sup>1</sup> Independent claims 9, 17, and 18 contain similar although not identical recitations as those in claim 1, and relate to the same general concept.

The Office Action cites Fingerhut as teaching each limitation of claim 1, stating that the ARP of Figure 3 corresponds to the received "radio station information," that the network decryption of the information in this packet corresponds to the recited "detecting an initiation command" received from a user interface, and that the activation response packet from the network back to the device corresponds to the recited "providing the radio station information" to the telematics unit responsive to the detected initiation command. As will be seen, the system of Fingerhut does not correspond to the claimed invention, and the asserted element mappings supplied by the action are not accurate.

In general terms, Fingerhut relates to automatic management of over-the-air activation, deactivation, or change of service for a two-way wireless communication device such as a pager or a wireless phone. *See* Fingerhut at col. 1, lines 10-15. Thus, although the Fingerhut reference mentions the terms "user" and "radio," it is directed to an entirely different type of system.

The basic operation of the Fingerhut system is described at col. 3, lines 33-57:

The device 5 automatically ... initiates the OAA process, which is stored, for example, as an application program in location 4 of the memory storage unit 13. The second step is to establish contact with the wireless subscription network 12. The scanning circuit 6, which is, for example, preprogrammed at the time of assembly, or by the service provider 16 at the time of sale to the user, initiates a search for a usable communication channel of the

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<sup>1</sup> Of course, the claim language itself defines the scope of the claims, and these comments and characterizations are not meant to alter that scope. It is requested that the reader always refer back to the claim language to understand the claim scope.

AUG 21 2006

Application No. 10/738,396

Reply to Office Action

network 12.

Once contact with the network 12 is established, the device 5, during the third step of the initiation sequence, prompts the user for the information required to activate the device 5 via, for example, the application software stored in location 4 of the memory storage unit 13. During the fourth step of the initiation sequence, the initial request for activation of the device 5 from the network 12 is formed via an activation-request packet (ARP) 7 generated by the application program. The fifth step is to send the ARP 7 from the device 5 to the network 12 via the wireless modem 11. Alternatively, steps 3 and 4 can be performed simultaneously or prior to step 2.

Thus, as can be seen, Fingerhut prescribes a five-step system for activating a device via specific communications between the device and a network.

Comparing the teachings of Fingerhut to the present claims, it can be seen that Fingerhut does not teach or even relate to the claimed system. As noted above, the independent claims (claims 1, 9, 17, and 18) contain recitations relating to the passage of radio station information between a radio module in a mobile vehicle and a telematics unit within the mobile vehicle based on the detection of an initiation command received from the radio module user interface. In contrast, in Fingerhut, the entity cited as passing radio station information to the device is the network, not a radio module in a mobile vehicle. *See* Office Action at p. 3.

Moreover, the step of receiving an initiation command from the user interface is cited as being met by the network of Fingerhut processing received data. *Id.* However, the Fingerhut network is not a radio module in a mobile vehicle as recited, nor does it appear to even have a user interface. In short, while the claims relate to the passage of information between a radio module and telematics system in a mobile vehicle, Fingerhut relates only to passing information between a device and a network.

For these reasons, it is respectfully submitted that claims 1, 9, 17 and 18 are patentable over Fingerhut, and favorable reconsideration is respectfully requested. Moreover, for the same reasons it is respectfully submitted that dependent claims 2-8, 10-16, and 19-20 are patentable over Fingerhut or any combination of references based on Fingerhut, and favorable reconsideration is respectfully requested for these claims as well.

Application No. 10/738,396

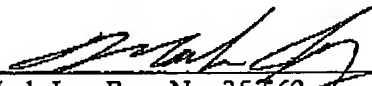
Reply to Office Action

Although for the sake of brevity certain additional issues will not be addressed in detail at this time, it is respectfully noted that the dependent claims that were rejected under §102 as anticipated by Fingerhut recite additional limitations that also serve to render these claims patentable over Fingerhut. Moreover, regarding the dependent claims rejected under §103 as obvious over Fingerhut further in view of Treyz, it is respectfully submitted that the combination of these references is not properly motivated. In particular, the cited motivation to combine the references is simply an allegation of expected benefit. However, the expected benefit does not appear to have been derived from the art but rather appears to stem improperly from the applicant's own claims and disclosure. These issues will be discussed in greater detail at a later time should it become appropriate or necessary to do so.

*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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